

108TH CONGRESS  
2D SESSION

# S. 2428

To provide for educational opportunities for all students in State public school systems, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 17, 2004

Mr. DODD (for himself, Mr. KENNEDY, Mr. REED, Mr. BINGAMAN, Mrs. CLINTON, Mr. SARBANES, Mr. REID, Mr. AKAKA, Mr. JOHNSON, Ms. STABENOW, Mr. CORZINE, Mr. LAUTENBERG, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To provide for educational opportunities for all students in State public school systems, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

### 3   **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Student Bill of  
5   Rights”.

### 6   **SEC. 2. TABLE OF CONTENTS.**

7       The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Findings and purposes.

TITLE I—EDUCATIONAL OPPORTUNITY IN STATE PUBLIC  
SCHOOL SYSTEMS

Subtitle A—Access to Educational Opportunity

- Sec. 101. State public school systems.  
Sec. 102. Fundamentals of educational opportunity.

Subtitle B—State Accountability

- Sec. 111. State accountability plan.  
Sec. 112. Consequences of failure to meet requirements.

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- Sec. 121. Annual report on State public school systems.

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TITLE II—EFFECTS OF EDUCATIONAL DISPARITIES ON  
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- Sec. 201. Effects on economic growth and productivity.  
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TITLE III—GENERAL PROVISIONS

- Sec. 301. Definitions.  
Sec. 302. Rulemaking.  
Sec. 303. Construction.

**1 SEC. 3. FINDINGS AND PURPOSES.**

**2 (a) FINDINGS.**—Congress finds the following:

- 3 (1)** A high-quality, highly competitive education  
**4** for all students is imperative for the economic  
**5** growth and productivity of the United States, for its  
**6** effective national defense, and to achieve the histor-  
**7** ical aspiration to be one Nation of equal citizens. It  
**8** is therefore necessary and proper to overcome the  
**9** nationwide phenomenon of State public school sys-  
**10** tems that do not meet the requirements of section  
**11** 101(a), in which high-quality public schools typically  
**12** serve high-income communities and poor-quality

schools typically serve low-income, urban, rural, and minority communities.

(2) There exists in the States a significant educational opportunity gap for low-income, urban, rural, and minority students characterized by the following:

(A) Continuing disparities within States in students' access to the fundamentals of educational opportunity described in section 102.

(B) Highly differential educational expenditures (adjusted for cost and need) among school districts within States.

(C) Radically differential educational achievement among students in school districts within States as measured by the following:

(i) Achievement in mathematics, reading or language arts, and science on State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)) and on the National Assessment of Educational Progress.

(ii) Advanced placement courses taken.

(iii) SAT and ACT test scores.

1 (iv) Dropout rates and graduation  
2 rates.

3 (v) College-going and college-comple-  
4 tion rates.

5 (vi) Job placement and retention rates  
6 and indices of job quality.

7 (3) As a consequence of this educational oppor-  
8 tunity gap, the quality of a child's education depends  
9 largely upon where the child's family can afford to  
10 live, and the detriments of lower quality education  
11 are imposed particularly on—

12 (A) children from low-income families;

13 (B) children living in urban and rural  
14 areas; and

15 (C) minority children.

16 (4) Since 1785, Congress, exercising the power  
17 to admit new States under section 3 of article IV of  
18 the Constitution (and previously, the Congress of the  
19 Confederation of States under the Articles of Con-  
20 federation), has imposed upon every State, as a fun-  
21 damental condition of the State's admission, that  
22 the State provide for the establishment and mainte-  
23 nance of systems of public schools open to all chil-  
24 dren in such State.

1           (5) Over the years since the landmark ruling in  
2       Brown v. Board of Education, 347 U.S. 483, 493  
3       (1954), when a unanimous Supreme Court held that  
4       “the opportunity of an education..., where the  
5       State has undertaken to provide it, is a right which  
6       must be made available to all on equal terms”,  
7       courts in 44 States have heard challenges to the es-  
8       tablishment, maintenance, and operation of State  
9       public school systems that are separate and not edu-  
10      cationally adequate.

11          (6) In 1970, the Presidential Commission on  
12      School Finance found that significant disparities in  
13      the distribution of educational resources existed  
14      among school districts within States because the  
15      States relied too significantly on local district financ-  
16      ing for educational revenues, and that reforms in  
17      systems of school financing would increase the Na-  
18      tion’s ability to serve the educational needs of all  
19      children.

20          (7) In 1999, the National Research Council of  
21      the National Academy of Sciences published a report  
22      entitled “Making Money Matter, Financing Amer-  
23      ica’s Schools”, which found that the concept of fund-  
24      ing adequacy, which moves beyond the more tradi-  
25      tional concepts of finance equity to focus attention

1 on the sufficiency of funding for desired educational  
2 outcomes, is an important step in developing a fair  
3 and productive educational system.

4 (8) In 2001, the Executive Order establishing  
5 the President’s Commission on Educational Re-  
6 source Equity declared, “A quality education is es-  
7 sential to the success of every child in the 21st cen-  
8 tury and to the continued strength and prosperity of  
9 our Nation. . . . [L]ong-standing gaps in access to  
10 educational resources exist, including disparities  
11 based on race and ethnicity.” (Exec. Order No.  
12 13190, 66 Fed. Reg. 5424 (2001)).

13 (9) According to the Secretary of Education, as  
14 stated in a letter (with enclosures) from the Sec-  
15 retary to States dated January 19, 2001—

16 (A) racial and ethnic minorities continue to  
17 suffer from lack of access to educational re-  
18 sources, including “experienced and qualified  
19 teachers, adequate facilities, and instructional  
20 programs and support, including technology, as  
21 well as . . . the funding necessary to secure these  
22 resources”; and

23 (B) these inadequacies are “particularly  
24 acute in high-poverty schools, including urban  
25 schools, where many students of color are iso-

1           lated and where the effect of the resource gaps  
2           may be cumulative. In other words, students  
3           who need the most may often receive the least,  
4           and these students often are students of color.”.

5           (10) In the amendments made by the No Child  
6       Left Behind Act of 2001, Congress—

7                   (A)(i) required each State to establish  
8           standards and assessments in mathematics,  
9           reading or language arts, and science; and

10                   (ii) required schools to ensure that all stu-  
11           dents are proficient in mathematics, reading or  
12           language arts, and science not later than 12  
13           years after the end of the 2001–2002 school  
14           year, and held schools accountable for the stu-  
15           dents’ progress; and

16                   (B) required each State to describe how  
17           the State will help local educational agencies  
18           and schools to develop the capacity to improve  
19           student academic achievement.

20           (11) The standards and accountability move-  
21           ment will succeed only if, in addition to standards  
22           and accountability, all schools have access to the  
23           educational resources necessary to enable students to  
24           achieve.

1           (12) Raising standards without ensuring access  
 2           to educational resources may in fact exacerbate  
 3           achievement gaps and set children up for failure.

4           (13) According to the World Economic Forum's  
 5           Global Competitiveness Report 2001–2002, the  
 6           United States ranks last among developed countries  
 7           in the difference in the quality of schools available  
 8           to rich and poor children.

9           (14) The persistence of pervasive inadequacies  
 10          in the quality of education provided by State public  
 11          school systems effectively deprives millions of chil-  
 12          dren throughout the United States of the oppor-  
 13          tunity for an education adequate to enable the chil-  
 14          dren to—

15                (A) acquire the knowledge and skills nec-  
 16                essary for responsible citizenship in a diverse  
 17                democracy, including the ability to participate  
 18                fully in the political process through informed  
 19                electoral choice;

20                (B) meet challenging student academic  
 21                achievement standards; and

22                (C) be able to compete and succeed in a  
 23                global economy.

24          (15) Each State government has ultimate au-  
 25          thority to determine every important aspect and pri-



1 ority of the public school system that provides ele-  
2 mentary and secondary education to children in the  
3 State, including whether students throughout the  
4 State have access to the fundamentals of educational  
5 opportunity described in section 102.

6 (16) Because a well educated populace is crit-  
7 ical to the Nation’s political and economic well-being  
8 and national security, the Federal Government has  
9 a substantial interest in ensuring that States provide  
10 a high-quality education by ensuring that all stu-  
11 dents have access to the fundamentals of educational  
12 opportunity described in section 102 to enable the  
13 students to succeed academically and in life.

14 (b) PURPOSES.—The purposes of this Act are the fol-  
15 lowing:

16 (1) To further the goals of the Elementary and  
17 Secondary Education Act of 1965 (as amended by  
18 the No Child Left Behind Act of 2001), by holding  
19 States accountable for providing all students with  
20 access to the fundamentals of educational oppor-  
21 tunity described in section 102.

22 (2) To ensure that all students in public ele-  
23 mentary schools and secondary schools receive edu-  
24 cational opportunities that enable such students to—

1 (A) acquire the knowledge and skills nec-  
 2 essary for responsible citizenship in a diverse  
 3 democracy, including the ability to participate  
 4 fully in the political process through informed  
 5 electoral choice;

6 (B) meet challenging student academic  
 7 achievement standards; and

8 (C) be able to compete and succeed in a  
 9 global economy.

10 (3) To end the pervasive pattern of States  
 11 maintaining public school systems that do not meet  
 12 the requirements of section 101(a).

13 **TITLE I—EDUCATIONAL OPPOR-**  
 14 **TUNITY IN STATE PUBLIC**  
 15 **SCHOOL SYSTEMS**

16 **Subtitle A—Access to Educational**  
 17 **Opportunity**

18 **SEC. 101. STATE PUBLIC SCHOOL SYSTEMS.**

19 (a) REQUIREMENTS.—Each State receiving Federal  
 20 financial assistance for elementary or secondary education  
 21 shall ensure that the State’s public school system provides  
 22 all students within the State with an education that en-  
 23 ables the students to acquire the knowledge and skills nec-  
 24 essary for responsible citizenship in a diverse democracy,  
 25 including the ability to participate fully in the political

1 process through informed electoral choice, to meet chal-  
 2 lenging student academic achievement standards, and to  
 3 be able to compete and succeed in a global economy,  
 4 through—

5           (1) the provision of fundamentals of educational  
 6           opportunity described in section 102, at adequate or  
 7           ideal levels as defined by the State under section  
 8           111(a)(1)(A) to students at each public elementary  
 9           school and secondary school in the State;

10           (2) the provision of educational services in  
 11           school districts that receive funds under part A of  
 12           title I of the Elementary and Secondary Education  
 13           Act of 1965 (20 U.S.C. 6311 et seq.) that are, taken  
 14           as a whole, at least comparable to educational serv-  
 15           ices provided in school districts not receiving such  
 16           funds; and

17           (3) compliance with any final Federal or State  
 18           court order in any matter concerning the adequacy  
 19           or equitableness of the State’s public school system.

20           (b) DETERMINATIONS CONCERNING STATE PUBLIC  
 21 SCHOOL SYSTEMS.—Not later than October 1 of each  
 22 year, the Secretary shall determine whether each State  
 23 maintains a public school system that meets the require-  
 24 ments of subsection (a). The Secretary may make a deter-  
 25 mination that a State public school system does not meet

1 such requirements only after providing notice and an op-  
 2 portunity for a hearing.

3 (c) PUBLICATION.—The Secretary shall publish and  
 4 make available to the general public (including by means  
 5 of the Internet) the determinations made under subsection  
 6 (b).

7 **SEC. 102. FUNDAMENTALS OF EDUCATIONAL OPPOR-**  
 8 **TUNITY.**

9 The fundamentals of educational opportunity are the  
 10 following:

11 (1) HIGHLY QUALIFIED TEACHERS, PRIN-  
 12 CIPALS, AND ACADEMIC SUPPORT PERSONNEL.—

13 (A) HIGHLY QUALIFIED TEACHERS.—In-  
 14 struction from highly qualified teachers in core  
 15 academic subjects.

16 (B) HIGHLY QUALIFIED PRINCIPALS.—  
 17 Leadership, management, and guidance from  
 18 principals who meet State certification stand-  
 19 ards.

20 (C) HIGHLY QUALIFIED ACADEMIC SUP-  
 21 PORT PERSONNEL.—Necessary additional aca-  
 22 demic support in reading or language arts,  
 23 mathematics, and other core academic subjects  
 24 from personnel who meet applicable State  
 25 standards.

1           (2) RIGOROUS ACADEMIC STANDARDS, CUR-  
 2           RICULA, AND METHODS OF INSTRUCTION.—Rigorous  
 3           academic standards, curricula, and methods of in-  
 4           struction, as measured by the extent to which each  
 5           school district succeeds in providing high-quality  
 6           academic standards, curricula, and methods of in-  
 7           struction to students in each public elementary  
 8           school and secondary school within the district.

9           (3) SMALL CLASS SIZES.—Small class sizes, as  
 10          measured by—

11               (A) the average class size and the range of  
 12               class sizes; and

13               (B) the percentage of classes with 17 or  
 14               fewer students.

15          (4) TEXTBOOKS, INSTRUCTIONAL MATERIALS,  
 16          AND SUPPLIES.—Textbooks, instructional materials,  
 17          and supplies, as measured by—

18               (A) the average age and quality of text-  
 19               books, instructional materials, and supplies  
 20               used in core academic subjects; and

21               (B) the percentage of students who begin  
 22               the school year with school-issued textbooks, in-  
 23               structional materials, and supplies.

24          (5) LIBRARY RESOURCES.—Library resources,  
 25          as measured by—

1 (A) the size and qualifications of the li-  
 2 brary's staff, including whether the library is  
 3 staffed by a full-time librarian certified under  
 4 applicable State standards;

5 (B) the size (relative to the number of stu-  
 6 dents) and quality (including age) of the li-  
 7 brary's collection of books and periodicals; and

8 (C) the library's hours of operation.

9 (6) SCHOOL FACILITIES AND COMPUTER TECH-  
 10 NOLOGY.—

11 (A) QUALITY SCHOOL FACILITIES.—Qual-  
 12 ity school facilities, as measured by—

13 (i) the physical condition of school  
 14 buildings and major school building fea-  
 15 tures;

16 (ii) environmental conditions in school  
 17 buildings; and

18 (iii) the quality of instructional space.

19 (B) COMPUTER TECHNOLOGY.—Computer  
 20 technology, as measured by—

21 (i) the ratio of computers to students;

22 (ii) the quality of computers and soft-  
 23 ware available to students;

24 (iii) Internet access;

- 1 (iv) the quality of system maintenance  
 2 and technical assistance for the computers;  
 3 and  
 4 (v) the number of computer labora-  
 5 tory courses taught by qualified computer  
 6 instructors.

7 (7) QUALITY GUIDANCE COUNSELING.—Quali-  
 8 fied guidance counselors, as measured by the ratio  
 9 of students to qualified guidance counselors who  
 10 have been certified under an applicable State or na-  
 11 tional program.

## 12 **Subtitle B—State Accountability**

### 13 **SEC. 111. STATE ACCOUNTABILITY PLAN.**

14 (a) GENERAL PLAN.—

15 (1) CONTENTS.—Each State receiving Federal  
 16 financial assistance for elementary and secondary  
 17 education shall annually submit to the Secretary a  
 18 plan, developed by the State educational agency, in  
 19 consultation with local educational agencies, teach-  
 20 ers, principals, pupil services personnel, administra-  
 21 tors, other staff, and parents, that contains the fol-  
 22 lowing:

23 (A) A description of 2 levels of high access  
 24 (adequate and ideal) to each of the fundamen-  
 25 tals of educational opportunity described in sec-

tion 102 that measure how well the State, through school districts, public elementary schools, and public secondary schools, is achieving the purposes of this Act by providing children with the resources they need to succeed academically and in life.

(B) A description of a third level of access (basic) to each of the fundamentals of educational opportunity described in section 102 that measures how well the State, through school districts, public elementary schools, and public secondary schools, is achieving the purposes of this Act by providing children with the resources they need to succeed academically and in life.

(C) A description of the level of access of each school district, public elementary school, and public secondary school in the State to each of the fundamentals of educational opportunity described in section 102, including identification of any such schools that lack high access (as described in subparagraph (A)) to any of the fundamentals.



1 (D) An estimate of the additional cost, if  
2 any, of ensuring that the system meets the re-  
3 quirements of section 101(a).

4 (E) Information stating the percentage of  
5 students in each school district, public elemen-  
6 tary school, and public secondary school in the  
7 State that are proficient in mathematics, read-  
8 ing or language arts, and science, as measured  
9 through assessments administered as described  
10 in section 1111(b)(3)(C)(v) of the Elementary  
11 and Secondary Education Act of 1965 (20  
12 U.S.C. 6311(b)(3)(C)(v)).

13 (F) Information stating whether each  
14 school district, public elementary school, and  
15 public secondary school in the State is making  
16 adequate yearly progress, as defined under sec-  
17 tion 1111(b)(2) of the Elementary and Sec-  
18 ondary Education Act of 1965 (20 U.S.C.  
19 6311(b)(2)).

20 (G)(i) For each school district, public ele-  
21 mentary school, and public secondary school in  
22 the State, information stating—

23 (I) the number and percentage of chil-  
24 dren counted under section 1124(c) of the

Elementary and Secondary Education Act  
of 1965 (20 U.S.C. 6333(c)); and

(II) the number and percentage of  
students described in section  
1111(b)(3)(C)(xiii) of the Elementary and  
Secondary Education Act of 1965 (20  
U.S.C. 6311(b)(3)(C)(xiii)).

(ii) For each such school district, informa-  
tion stating whether the district is an urban,  
mixed, or rural district (as defined by the Na-  
tional Center for Education Statistics).

(2) LEVELS OF ACCESS.—For purposes of the  
plan submitted under paragraph (1)—

(A) in defining basic, adequate, and ideal  
levels of access to each of the fundamentals of  
educational opportunity, each State shall con-  
sider, in addition to the factors described in  
section 102, the access available to students in  
the highest-achieving decile of public elementary  
schools and secondary schools, the unique needs  
of low-income, urban and rural, and minority  
students, and other educationally appropriate  
factors; and

(B) the levels of access described in sub-  
paragraphs (A) and (B) of paragraph (1) shall

be aligned with the challenging academic content standards, challenging student academic achievement standards, and high-quality academic assessments required under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(3) INFORMATION.—The State shall annually disseminate to parents, in an understandable and uniform format, the descriptions, estimate, and information described in paragraph (1).

(b) ACCOUNTABILITY AND REMEDIATION.—

(1) ACCOUNTABILITY.—If the Secretary determines under section 101(b) that a State maintains a public school system that fails to meet the requirements of section 101(a)(1), the plan submitted under subsection (a)(1) shall—

(A) demonstrate that the State has developed and is implementing a single, statewide State accountability system that will be effective in ensuring that the State makes adequate yearly progress under this Act (as defined by the State in a manner that annually reduces the number of public elementary schools and secondary schools in the State without high access (as described in subsection (a)(1)(A)) to each of

1 fundamentals of educational opportunity de-  
2 scribed in section 102);

3 (B) demonstrate, based on the levels of ac-  
4 cess described in paragraph (1) what con-  
5 stitutes adequate yearly progress of the State  
6 under this Act toward providing all students  
7 with high access to the fundamentals of edu-  
8 cational opportunity described in section 102;  
9 and

10 (C) ensure—

11 (i) the establishment of a timeline for  
12 that adequate yearly progress that includes  
13 interim yearly goals for the reduction of  
14 the number of public elementary schools  
15 and secondary schools in the State without  
16 high access to each of the fundamentals of  
17 educational opportunity described in sec-  
18 tion 102; and

19 (ii) that not later than 12 years after  
20 the end of the 2001–2002 school year,  
21 each public elementary or secondary school  
22 in the State shall have high access to each  
23 of the fundamentals of educational oppor-  
24 tunity described in section 102.

1           (2) REMEDIATION.—If the Secretary deter-  
2       mines under section 101(b) that a State maintains  
3       a public school system that fails to meet the require-  
4       ments of section 101(a)(2), not later than 1 year  
5       after the Secretary makes the determination, the  
6       State shall include in the plan submitted under sub-  
7       section (a)(1) a strategy to remediate the conditions  
8       that caused the Secretary to make such determina-  
9       tion, not later than the end of the second school year  
10      beginning after submission of the plan.

11      (c) AMENDMENTS.—A State may amend the plan  
12      submitted under subsection (a)(1) to improve the plan or  
13      to take into account significantly changed circumstances.

14      (d) DISAPPROVAL.—The Secretary may disapprove  
15      the plan submitted under subsection (a)(1) (or an amend-  
16      ment to such a plan) if the Secretary determines, after  
17      notice and opportunity for hearing, that the plan (or  
18      amendment) is inadequate to meet the requirements de-  
19      scribed in subsections (a) and (b).

20      (e) WAIVER.—

21           (1) IN GENERAL.—A State may request, and  
22      the Secretary may grant, a waiver of the require-  
23      ments of subsections (a) and (b) for 1 year for ex-  
24      ceptional circumstances, such as a precipitous de-  
25      crease in State revenues, or another circumstance

1       that the Secretary determines to be exceptional, that  
 2       prevents a State from complying with the require-  
 3       ments of subsections (a) and (b).

4           (2) CONTENTS OF WAIVER REQUEST.—A State  
 5       that requests a waiver under paragraph (1) shall in-  
 6       clude in the request—

7           (A) a description of the exceptional cir-  
 8       cumstance that prevents the State from com-  
 9       plying with the requirements of subsections (a)  
 10      and (b); and

11          (B) a plan that details the manner in  
 12      which the State will comply with such require-  
 13      ments by the end of the waiver period.

14 **SEC. 112. CONSEQUENCES OF FAILURE TO MEET REQUIRE-**  
 15 **MENTS.**

16       (a) INTERIM YEARLY GOALS.—

17          (1) IN GENERAL.—For a fiscal year and a  
 18      State described in section 111(b)(1), the Secretary  
 19      shall withhold from the State 2.75 percent of funds  
 20      otherwise available to the State for the administra-  
 21      tion of Federal elementary and secondary education  
 22      programs, for each covered goal that the Secretary  
 23      determines the State is not meeting during that  
 24      year.

1           (2) DEFINITION.—In this subsection, the term  
 2       “covered goal”, used with respect to a fiscal year,  
 3       means an interim yearly goal described in section  
 4       111(b)(1)(C)(i) that is applicable to that year or a  
 5       prior fiscal year.

6       (b) CONSEQUENCES OF NONREMEDIATION.—Not-  
 7       withstanding any other provision of law, if the Secretary  
 8       determines that a State required to include a strategy  
 9       under section 111(b)(2) continues to maintain a public  
 10      school system that does not meet the requirements of sec-  
 11      tion 101(a)(2) at the end of the second school year de-  
 12      scribed in section 111(b)(2), the Secretary shall withhold  
 13      from the State not more than  $33\frac{1}{3}$  percent of funds other-  
 14      wise available to the State for the administration of Fed-  
 15      eral elementary and secondary education programs until  
 16      the Secretary determines that the State maintains a public  
 17      school system that meets the requirements of section  
 18      101(a)(2).

19      (c) CONSEQUENCES OF NONCOMPLIANCE WITH  
 20      COURT ORDERS.—If the Secretary determines under sec-  
 21      tion 101(b) that a State maintains a public school system  
 22      that fails to meet the requirements of section 101(a)(3),  
 23      the Secretary shall withhold from the State not more than  
 24       $33\frac{1}{3}$  percent of funds otherwise available to the State for

1 the administration of Federal elementary and secondary  
2 education programs.

3 (d) DISPOSITION OF FUNDS WITHHELD.—

4 (1) DETERMINATION.—Not later than 1 year  
5 after the Secretary withholds funds from a State  
6 under this section, the Secretary shall determine  
7 whether the State has corrected the condition that  
8 led to the withholding.

9 (2) DISPOSITION.—

10 (A) CORRECTION.—If the Secretary deter-  
11 mines under paragraph (1), that the State has  
12 corrected the condition that led to the with-  
13 holding, the Secretary shall make the withheld  
14 funds available to the State to use for the origi-  
15 nal purpose of the funds during 1 or more fiscal  
16 years specified by the Secretary.

17 (B) NONCORRECTION.—If the Secretary  
18 determines under paragraph (1), that the State  
19 has not corrected the condition that led to the  
20 withholding, the Secretary shall allocate the  
21 withheld funds to public school districts, public  
22 elementary schools, or public secondary schools  
23 in the State that are most adversely affected by  
24 the condition that led to the withholding, to en-  
25 able the districts or schools to correct the condi-



1           tion during 1 or more fiscal years specified by  
2           the Secretary.

3           (3) AVAILABILITY.—Amounts made available or  
4           allocated under subparagraph (A) or (B) of para-  
5           graph (2) shall remain available during the fiscal  
6           years specified by the Secretary under that subpara-  
7           graph.

## 8   **Subtitle C—Report to Congress and** 9                                   **the Public**

### 10 **SEC. 121. ANNUAL REPORT ON STATE PUBLIC SCHOOL SYS-** 11                                   **TEMS.**

12           (a) ANNUAL REPORT TO CONGRESS.—Not later than  
13   October 1 of each year, beginning the year after comple-  
14   tion of the first full school year after the date of enactment  
15   of this Act, the Secretary shall submit to Congress a re-  
16   port that includes a full and complete analysis of the pub-  
17   lic school system of each State.

18           (b) CONTENTS OF REPORT.—The analysis conducted  
19   under subsection (a) shall include the following:

20                   (1) PUBLIC SCHOOL SYSTEM INFORMATION.—

21           The following information related to the public  
22           school system of each State:

23                           (A) The number of school districts, public  
24                           elementary schools, public secondary schools,  
25                           and students in the system.

1 (B)(i) For each such school district and  
 2 school—

3 (I) information stating the number  
 4 and percentage of children counted under  
 5 section 1124(c) of the Elementary and  
 6 Secondary Education Act of 1965 (20  
 7 U.S.C. 6333(c)); and

8 (II) the number and percentage of  
 9 students, disaggregated by groups de-  
 10 scribed in section 1111(b)(3)(C)(xiii) of  
 11 the Elementary and Secondary Education  
 12 Act of 1965 (20 U.S.C.  
 13 6311(b)(3)(C)(xiii)).

14 (ii) For each such district, information  
 15 stating whether the district is an urban, mixed,  
 16 or rural district (as defined by the National  
 17 Center for Education Statistics).

18 (C) The average per-pupil expenditure  
 19 (both in actual dollars and adjusted for cost  
 20 and need) for the State and for each school dis-  
 21 trict in the State.

22 (D) Each school district's decile ranking as  
 23 measured by achievement in mathematics, read-  
 24 ing or language arts, and science on State aca-  
 25 demic assessments required under section

1111(b)(3) of the Elementary and Secondary  
Education Act of 1965 (20 U.S.C. 6311(b)(3))  
and on the National Assessment of Educational  
Progress.

(E) For each school district, public elementary school, and public secondary school—

(i) the level of access (as described in  
section 111(a)(1)) to each of the fundamentals of educational opportunity described in section 102;

(ii) the percentage of students that are proficient in mathematics, reading or language arts, and science, as measured through assessments administered as described in section 1111(b)(3)(C)(v) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(v)); and

(iii) whether the school district or school is making adequate yearly progress—

(I) as defined under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)); and

1 (II) as defined by the State  
2 under section 111(b)(1)(A).

3 (F) For each State, the number of public  
4 elementary schools and secondary schools that  
5 lack, and names of each such school that lacks,  
6 high access (as described in section  
7 111(a)(1)(A)) to any of the fundamentals of  
8 educational opportunity described in section  
9 102.

10 (G) For the year covered by the report, a  
11 summary of any changes in the data required  
12 in subparagraphs (A) through (F) for each of  
13 the preceding 3 years (which may be based on  
14 such data as are available, for the first 3 re-  
15 ports submitted under subsection (a)).

16 (H) Such other information as the Sec-  
17 retary considers useful and appropriate.

18 (2) STATE ACTIONS.—For each State that the  
19 Secretary determines under section 101(b) maintains  
20 a public school system that fails to meet the require-  
21 ments of section 101(a), a detailed description and  
22 evaluation of the success of any actions taken by the  
23 State, and measures proposed to be taken by the  
24 State, to meet the requirements.

1           (3) STATE PLANS.—A copy of each State's  
2       most recent plan submitted under section 111(a)(1).

3           (4) RELATIONSHIP BETWEEN COMPLIANCE AND  
4       ACHIEVEMENT.—An analysis of the relationship be-  
5       tween meeting the requirements of section 101(a)  
6       and improving student academic achievement, as  
7       measured on State academic assessments required  
8       under section 1111(b)(3) of the Elementary and  
9       Secondary Education Act of 1965 (20 U.S.C.  
10      6311(b)(3)).

11       (c) SCOPE OF REPORT.—The report required under  
12      subsection (a) shall cover the school year ending in the  
13      calendar year in which the report is required to be sub-  
14      mitted.

15       (d) SUBMISSION OF DATA TO SECRETARY.—Each  
16      State receiving Federal financial assistance for elementary  
17      and secondary education shall submit to the Secretary, at  
18      such time and in such manner as the Secretary may rea-  
19      sonably require, such data as the Secretary determines to  
20      be necessary to make a determination under section  
21      101(b) and to submit the report under this section. Such  
22      data shall include the information used to measure the  
23      State's success in providing the fundamentals of edu-  
24      cational opportunity described in section 102.

1 (e) FAILURE TO SUBMIT DATA.—If a State fails to  
 2 submit the data that the Secretary determines to be nec-  
 3 essary to make a determination under section 101(b) re-  
 4 garding whether the State maintains a public school sys-  
 5 tem that meets the requirements of section 101(a)—

6 (1) such State’s public school system shall be  
 7 deemed not to have met the applicable requirements  
 8 until the State submits such data and the Secretary  
 9 is able to make such determination under section  
 10 101(b); and

11 (2) the Secretary shall provide, to the extent  
 12 practicable, the analysis required in subsection (a)  
 13 for the State based on the best data available to the  
 14 Secretary.

15 (f) PUBLICATION.—The Secretary shall publish and  
 16 make available to the general public (including by means  
 17 of the Internet) the report required under subsection (a).

## 18 **Subtitle D—Remedy**

### 19 **SEC. 131. CIVIL ACTION FOR ENFORCEMENT.**

20 A student or parent of a student aggrieved by a viola-  
 21 tion of this Act may bring a civil action against the appro-  
 22 priate official in an appropriate Federal district court  
 23 seeking declaratory or injunctive relief to enforce the re-  
 24 quirements of this Act, together with reasonable attorney’s  
 25 fees and the costs of the action.

1 **TITLE II—EFFECTS OF EDU-**  
2 **CATIONAL DISPARITIES ON**  
3 **ECONOMIC GROWTH AND NA-**  
4 **TIONAL DEFENSE**

5 **SEC. 201. EFFECTS ON ECONOMIC GROWTH AND PRODUC-**  
6 **TIVITY.**

7 (a) STUDY.—The Commissioner for Education Sta-  
8 tistics, in consultation with the Secretary of Commerce,  
9 Secretary of Labor, Secretary of the Treasury, and the  
10 National Research Council of the National Academy of  
11 Sciences, shall conduct a comprehensive study concerning  
12 the effects on economic growth and productivity of ensur-  
13 ing that each State public school system meets the require-  
14 ments of section 101(a). Such study shall include assess-  
15 ments of—

16 (1) the economic costs to the Nation resulting  
17 from the maintenance by States of public school sys-  
18 tems that do not meet the requirements of section  
19 101(a);

20 (2) the economic gains to be expected from  
21 States' compliance with the requirements of section  
22 101(a); and

23 (3) the costs, if any, of ensuring that each  
24 State maintains a public school system that meets  
25 the requirements of section 101(a).

1 (b) REPORT TO CONGRESS.—Not later than 1 year  
 2 after the date of enactment of this Act, the Commissioner  
 3 for Education Statistics shall submit to Congress a final  
 4 report detailing the results of the study required under  
 5 subsection (a).

6 **SEC. 202. EFFECTS ON NATIONAL DEFENSE.**

7 (a) STUDY.—The Commissioner for Education Sta-  
 8 tistics, in consultation with the Secretary of Defense, shall  
 9 conduct a comprehensive study concerning the effects on  
 10 national defense of ensuring that each State public school  
 11 system meets the requirements of section 101(a). Such  
 12 study shall include assessments of—

13 (1) the detriments to national defense resulting  
 14 from the maintenance by States of public school sys-  
 15 tems that do not meet the requirements of section  
 16 101(a), including the effects on—

17 (A) knowledge and skills necessary for the  
 18 effective functioning of the Armed Forces;

19 (B) the costs to the Armed Forces of  
 20 training; and

21 (C) efficiency resulting from the use of so-  
 22 phisticated equipment and information tech-  
 23 nology; and



1           (2) the gains to national defense to be expected  
 2           from ensuring that each State public school system  
 3           meets the requirements of section 101(a).

4           (b) REPORT TO CONGRESS.—Not later than 1 year  
 5           after the date of enactment of this Act, the Commissioner  
 6           for Education Statistics shall submit to Congress a final  
 7           report detailing the results of the study required under  
 8           subsection (a).

## 9                           **TITLE III—GENERAL** 10                           **PROVISIONS**

### 11   **SEC. 301. DEFINITIONS.**

12           In this Act:

13           (1) REFERENCED TERMS.—The terms “elemen-  
 14           tary school”, “secondary school”, “local educational  
 15           agency”, “highly qualified”, “core academic sub-  
 16           jects”, “parent”, and “average per-pupil expendi-  
 17           ture” have the meanings given those terms in sec-  
 18           tion 9101 of the Elementary and Secondary Edu-  
 19           cation Act of 1965 (20 U.S.C. 7801).

20           (2) FEDERAL ELEMENTARY AND SECONDARY  
 21           EDUCATION PROGRAMS.—The term “Federal ele-  
 22           mentary and secondary education programs” means  
 23           programs providing Federal financial assistance for  
 24           elementary or secondary education, other than pro-  
 25           grams under the following provisions of law:

1 (A) The Individuals with Disabilities Edu-  
 2 cation Act (20 U.S.C. 1400 et seq.).

3 (B) Title III of the Elementary and Sec-  
 4 ondary Education Act of 1965 (20 U.S.C. 6801  
 5 et seq.).

6 (C) The Richard B. Russell National  
 7 School Lunch Act (42 U.S.C. 1751 et seq.).

8 (D) The Child Nutrition Act of 1966 (42  
 9 U.S.C. 1771 et seq.).

10 (3) PUBLIC SCHOOL SYSTEM.—The term “pub-  
 11 lic school system” means a State’s system of public  
 12 elementary and secondary education.

13 (4) STATE.—The term “State” means each of  
 14 the several States, the District of Columbia, and the  
 15 Commonwealth of Puerto Rico.

16 **SEC. 302. RULEMAKING.**

17 The Secretary may prescribe regulations to carry out  
 18 this Act.

19 **SEC. 303. CONSTRUCTION.**

20 Nothing in this Act shall be construed to require a  
 21 jurisdiction to increase its property tax or other tax rates  
 22 or to redistribute revenues from such taxes.

